

ESTTA Tracking number: **ESTTA468442**

Filing date: **04/23/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following parties oppose registration of the indicated application.

### Opposers Information

Name	Boston Red Sox Baseball Club Limited Partnership
Granted to Date of previous extension	04/22/2012
Address	Fenway Park 4 Yawkey Way Boston, MA 02215 UNITED STATES

Name	Chicago White Sox, Ltd.
Granted to Date of previous extension	04/22/2012
Address	333 West 35th Street Chicago, IL 60616 UNITED STATES

Attorney information	Mary L. Kevlin Cowan, Liebowitz & Latman, P.C. 1133 Avenue of the Americas New York, NY 10036 UNITED STATES sis@cll.com, trademark@cll.com, mlk@cll.com, jmn@cll.com Phone:212-790-9200
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### Applicant Information

Application No	85373925	Publication date	10/25/2011
Opposition Filing Date	04/23/2012	Opposition Period Ends	04/22/2012
Applicant	INC International Company 143 Viburnum Drive Kennett Square, PA 19348 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025.  
All goods and services in the class are opposed, namely: Running shoes; Shoe soles; Shoes

### Grounds for Opposition

Other	Please see attached filing.
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Attachments	SOXX Ltr to Commr 042312.pdf ( 1 page )(72753 bytes ) SOXX Consolidated NOO 042312.pdf ( 6 pages )(47359 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Seth Shaifer/
Name	Seth Shaifer
Date	04/23/2012



Cowan, Liebowitz & Latman, P.C.  
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April 23, 2012

**By Electronic Filing**

Commissioner for Trademarks  
Attn: TTAB  
P.O. Box 1451  
Alexandria, VA 22313-1451

Re: Boston Red Sox Baseball Club Limited Partnership and  
Chicago White Sox, Ltd.  
Consolidated Notice of Opposition Against  
INC International Company  
Application to register SOXX  
Ref. No. 21307.026, 027

Dear Commissioner:

We enclose a Consolidated Notice of Opposition against Application Serial Number 85/373,925 published in the Official Gazette on October 25, 2011. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$600 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Seth Shaifer/  
Seth Shaifer

Enclosures

cc: Ms. Diane Kovach (w/encs.)  
Mary L Kevlin, Esq. (w/encs.)  
Richard S. Mandel, Esq. (w/encs.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/373,925  
Filed: July 18, 2011  
For Mark: SOXX  
Published in the Official Gazette: October 25, 2011

BOSTON RED SOX BASEBALL CLUB LIMITED :  
PARTNERSHIP, and CHICAGO WHITE SOX, :  
LTD., :  
  
Opposers, :  
  
v. :  
  
INC INTERNATIONAL COMPANY, :  
Applicant. :

Opposition No.

## **CONSOLIDATED NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Attn: Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposers, Boston Red Sox Baseball Club Limited Partnership, a Massachusetts limited partnership, with offices at Fenway Park, 4 Yawkey Way, Boston, Massachusetts 02215, and Chicago White Sox, Ltd., an Illinois limited partnership, with offices at 333 West 35<sup>th</sup> Street, Chicago, Illinois 60616 (together, “Opposers”), believe that they will be damaged by registration of the standard character word mark SOXX in International Class 25 for “Running shoes; Shoe soles; Shoes” as shown in Application Serial No. 85/373,925 (the “Application”), and having been granted extensions of time to oppose up to and including April 22, 2012, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer Boston Red Sox Baseball Club Limited Partnership (the “Red Sox Club”) is the owner of the renowned BOSTON RED SOX MAJOR LEAGUE BASEBALL club.

2. Since long prior to July 18, 2011, Applicant’s constructive first use date, the Red Sox Club, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the word SOX, and/or various depictions of a pair of socks or a single sock designs, alone or with other word, letter and/or design elements (the “Red Sox Club’s Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shoes, footwear, apparel, paper goods and printed matter, toys, sporting goods, and novelty items, and the Red Sox Club has referred to itself, and has been commonly referred to by fans, the press, media and public, as the SOX since long prior to July 18, 2011.

3. The Red Sox Club owns United States Federal registrations for the Red Sox Club’s Marks in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 26, 28, 29, 34 and 41; namely, Registration Nos. 1,014,874; 1,040,684; 1,043,945; 1,095,475; 1,522,389; 1,528,114; 1,529,324; 1,568,406; 1,596,321; 1,602,303; 1,642,769; 1,772,967; 2,692,105; 3,238,173; 3,373,898; 3,596,573; 3,641,219; 3,641,220; 3,641,221; 3,644,961; 3,738,197; 3,797,632; 3,801,204; 3,842,200 and 3,870,976. Registration Nos. 1,014,874; 1,040,684; 1,043,945; 1,095,475; 1,522,389; 1,528,114; 1,529,324; 1,568,406; 1,596,321; 1,602,303; 1,642,769; 1,772,967 and 2,692,105 are incontestable.

4. Since long prior to July 18, 2011, Applicant’s constructive first use date, the Red Sox Club, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered

in connection with the Red Sox Club's Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shoes, footwear, apparel, paper goods and printed matter, toys, sporting goods, and novelty items and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with the Red Sox Club's Marks, the Red Sox Club has built up highly valuable goodwill in the Red Sox Club's Marks, and said goodwill has become closely and uniquely identified and associated with the Red Sox Club.

6. Opposer Chicago White Sox Club, Ltd. (the "White Sox Club") is the owner of the renowned CHICAGO WHITE SOX MAJOR LEAGUE BASEBALL club.

7. Since long prior to July 18, 2011, Applicant's constructive first use date, the White Sox Club, its predecessors, and their affiliated and related entities, licensees and/or sponsors have used marks comprising or containing the word SOX, and/or various depictions of a sock design, alone or with other word, letter and/or design elements (the "White Sox Club's Marks"), in connection with baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shoes, footwear, apparel, paper goods and printed matter, toys, sporting goods, and novelty items and the White Sox Club has referred to itself, and has been commonly referred to by fans, the press, media and public, as the SOX since long prior to July 18, 2011.

8. The White Sox Club owns United States Federal registrations for the White Sox Club's Marks in International Classes 9, 14, 16, 18, 21, 24, 25, 28, 30, 34, 41 and 42; namely, Registration Nos. 847,465; 855,319; 855,320; 1,054,855; 1,223,508; 1,268,495; 1,529,600; 1,547,488; 1,547,489; 1,598,728; 1,681,138; 1,705,093; 1,705,094; 1,729,202; 1,729,299;

1,729,454; 1,729,455; 1,730,984; 1,734,915; 1,770,152; 1,943,802; 2,563,319; 2,655,846; 3,275,601; 3,331,545; 3,382,971; 3,545,176; 3,545,459, 3,644,996 and 3,775,088. Registration Nos. 847,465; 855,319; 855,320; 1,054,855; 1,223,508; 1,268,495; 1,529,600; 1,547,488; 1,547,489; 1,598,728; 1,681,138; 1,705,093; 1,705,094; 1,729,299; 1,729,454; 1,729,455; 1,734,915; 1,770,152; 1,943,802 and 2,563,319 are incontestable.

9. Since long prior to July 18, 2011, Applicant's constructive first use date, the White Sox Club, its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with the White Sox Club's Marks, including, but not limited to, baseball games and exhibition services and a wide variety of goods and services, including, but not limited to, shoes, footwear, apparel, paper goods and printed matter, toys, sporting goods, and novelty items and have offered such goods and rendered such services in commerce.

10. As a result of the sales and promotion of its goods and services bearing or offered in connection with the White Sox Club's Marks, the White Sox Club has built up highly valuable goodwill in the White Sox Club's Marks, and said goodwill has become closely and uniquely identified and associated with the White Sox Club.

11. On July 18, 2011, Applicant filed the Application for the standard character word mark SOXX ("Applicant's SOXX Mark") for "Running shoes; Shoe soles; Shoes" in International Class 25, based on an intent to use.

12. Upon information and belief, Applicant did not use the Applicant's SOXX Mark for the goods covered in the Application in United States commerce prior to its constructive first use date of July 18, 2011.

13. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with the Red Sox Club's Marks and the White Sox Club's Marks (collectively "Opposers' Marks").

14. Applicant's SOXX Mark so resembles Opposers' Marks as to be likely, when used in connection with Applicant's goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's goods have their origin with Opposers and/or that such goods are approved, endorsed or sponsored by the Opposers or associated in some way with the Opposers. Opposers would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's SOXX Mark.

WHEREFORE, Opposers believe that they will be damaged by registration of Applicant's SOXX Mark and request that the consolidated opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel and Seth Shaifer (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 1133 Avenue of the Americas, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York  
April 23, 2012

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.  
Attorneys for Opposer

By: /Seth Shaifer/

Mary L. Kevlin  
Richard S. Mandel  
Seth Shaifer  
1133 Avenue of the Americas  
New York, New York 10036  
(212) 790-9200

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on April 23, 2012, I caused a true and correct copy of the foregoing *Consolidated Notice of Opposition* to be sent via First Class Mail, postage prepaid, to Applicant's Correspondent of Record, Matthew H. Swyers, Esq., The Trademark Company, Suite 151, 344 Maple Avenue West, Vienna, Virginia 22180.

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/Seth Shaifer /  
Seth Shaifer